

Daniel Testerman 04919-087  
Federal Correctional Institution  
FCI Ashland  
P.O. Box 6001  
Ashland, KY 41105  
1:09-cv-74 [4] 1:05-cr-4 [116]

July 20, 2009

**FILED**  
**JUL 21 2009**  
**U.S. DISTRICT COURT**  
**CLARKSBURG, WV 26301**

United States District Court For The  
Northern District Of West Virginia  
500 West Pike Street, Room 301  
P.O. Box 2857  
Clarksburg, WV 26302-2857

Dear Judge Seibert,

In response to the Order to dismiss my 2255 as untimely, I kindly request that you consider the petition for writ of certiorari which was filed on my behalf by Dean Boland, my attorney at the time, and was denied on June 23, 2008. I have enclosed a copy of the US Supreme Court decision as was sent to me by my attorney. It is my understanding that I had one year from this date in which to file a 2255 motion. My petition was postmarked June 2, 2009 which would have been ample time before the one year was ended. I pray that you reconsider the decision to dismiss the 2255 motion as untimely.

Enclosed is a copy of the US Supreme Court decision to deny my petition for writ of certiorari for your review and consideration.

Sincerely,

Daniel Testerman 04919-087